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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,971	06/23/2000	H. Brock Kolls	BK-020-04	1565
23122	7590	10/03/2007	EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/602,971

Applicant(s)

KOLLS, H. BROCK

Examiner

DANIEL LASTRA

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 july 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8,11,13-16,19,22,23 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,11,13-16,19,22,23 and 26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-8, 10, 11, 13-16, 19, 22, 23 and 26-28 have been examined. Application 09/602,971 (Internet based network for automotive applications including the facilitation of e-commerce and e-business, and management of wireless connectivity with vehicles) has a filing date 06/23/2000.

Response to Amendment

2. In response Non Final Rejection filed 04/17/2007, the Applicant filed an Amendment on 07/19/2007, which added new claims 26-28.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 10, 11, 13-16, 19, 22, 23 and 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Witkowski (US 7,257,426)

As per claims 1 and 13, Witkowski teaches:

A network system for effectuating data communication between a vehicle and a data processing resource, said system comprising:

an in-vehicle device installed in said vehicle, said in-vehicle device having a first wireless network connectivity interface (see col 2, lines 60-67); and

store display *adapted to hold a plurality of products for sale to and* accessible by a customer, said store display equipped with a communication interface device (see col 10, lines 1-25) having:

a second wireless network connectivity interface, said second wireless network connectivity interface adapted to data communicates with said first wireless network connectivity interface (see col 10, lines 1-25) and

communication interface to communicate data between said second wireless network connectivity interface and said data processing resource adapted to effectuate data communication *of the in-vehicle data from* said in-vehicle device to said data processing resource *for selection of at least one of the products for sale* (see col 10, lines 1-25).

As per claims 2 and 14, Witkowski teaches:

The network system in accordance with claim 1, wherein said communication interface device further comprises:

a wireless data connection, said wireless data connection adapted to effectuate a data connection with a wireless device (see col 10, lines 1-25).

As per claims 3 and 15, Witkowski teaches:

The network system in accordance with claim 2, wherein said wireless data connection includes at least one of the following:

a wireless transceiver interface (See col 10, lines 1-25);

Art Unit: 3622

said wireless device interface;
a wireless modem interface;
a wireless phone interface; or
a wireless data link (see col 10, lines 1-25).

As per claims 4 and 16, Witkowski teaches:

The network system in accordance with claim 2, wherein said wireless device is at least one of the following:

a wireless phone;
a personal data assistant (see column 1, lines 20-30);
a pager;
a personal computer ;
an Internet appliance; or
a programmable storage device.

As per claim 5, Witkowski teaches:

The network system in accordance with claim 1, wherein said in-vehicle device further comprises:

a wireless data connection, said wireless data connection adapted to effectuate a data connection with a wireless device (see col 10, lines 1-25).

As per claim 6, Witkowski teaches:

The network system in accordance with claim 5, wherein said wireless data connection includes at least one of the following:

a wireless transceiver interface;

Art.Unit: 3622

- said wireless device interface;
- a wireless modem interface;
- a wireless phone interface; or
- a wireless data link (see col 10, lines 1-25).

As per claim 7, Witkowski teaches:

The network system in accordance with claim 5, wherein said wireless device is at least one of the following:

- a wireless phone;
- a personal data assistant (see column 1, lines 20-30);
- a pager;
- a personal computer;
- an Internet appliance; or
- a programmable storage device.

As per claim 8, Witkowski teaches:

The network system in accordance with claim 1, wherein said plurality of communication interfaces includes at least one of the following communication interface types:

- a wired data link;
- a wide area network connection;
- a network connection (see col 2, lines 60-67);
- a universal serial bus port;
- a personal data assistant interface;

- an RS232 interface;
- an RS485 interface;
- a carrier current interface;
- a network connection to the Internet;
- a modem interface;
- a wireless modem interface;
- a wireless phone transceiver;
- a wireless phone interface;
- a wireless data link; or
- a local area network interface.

As per claim 10, Witkowski teaches:

The network system in accordance with claim 1, wherein said data processing resource is one of the following:

- a global network data processing resource;
- a global network server (see col 2, lines 10-45);
- a global network application server;
- a global network database;
- a virtual private network
- an emergency monitoring network;
- a second communication interface device;
- a second in-vehicle device;
- a personal computer;

- a wireless phone;
- a personal data assistant;
- a pager;
- a pocket sized personal computer;
- a programmable storage device; or
- an Internet appliance.

As per claim 11, Witkowski teaches:

The network system in accordance with claim 1, wherein said plurality of communication interfaces data communicate by at least one of the following:

- a wireless connection (see col 10, lines 1-25);
- a wired connection;
- a personal data assistant interface;
- a wireless phone interface;
- an RS232 serial interface;
- an RS485 interface;
- a USB port interface;
- an ethernet connection;
- a TCP/IP type network connection;
- a PPP type network connection;
- a SLIP type network connection;
- a socket layer network connection;
- BLUETOOTH protocol or standard; or

Wireless Application Protocol or standard.

As per claim 19, Witkowski teaches:

A method of data communicating between an in-vehicle device installed in a vehicle and a data processing resource, said method comprising:

a) *holding by a store display that is accessible by a customer, a plurality of products for sale* (see col 10, lines 1-25);

b) communicating a plurality of digital content wirelessly between an in-vehicle device and the store display equipped with a communication interface device to *effectuate data communication of in-vehicle data from said in-vehicle device to said data processing resource* (see col 10, lines 1-25);

c) routing said plurality of digital content from said store display to said data processing resource (see col 10, lines 1-25);

d) determining at said data processing resource a plurality of return digital content responsive at least in part to said plurality of digital content (see column 10, lines 1-25);

e) routing said plurality of return digital content to said store display (see column 10, lines 1-25);

f) presenting said plurality of return digital content to said customer at said store display (see column 10, lines 1-25);and

g) *selecting, by the customer, at said store display at least one of the products of sale using said presented return digital content* (see col 10, lines 1-25).

As per claim 22, Witkowski teaches:

The method in accordance with claim 19 further comprising, receiving the selection of one or more of said plurality of return digital content from said customer at said store display (see column 10, lines 1-25).

As per claim 23, Witkowski teaches:

The global network based data processing system in accordance with claim 13, wherein said data processing resource is a global network based data processing resource (see col 14, lines 40-65).

Claim 26, Witkowski teaches:

The network system in accordance with claim 1, wherein the store display is configured to accept input from the customer via an input device such that the at least one of the products for sale is selected by the customer at the store display based on the in-vehicle data provided from the in-vehicle device (see col 10, lines 1-25).

Claim 27, Witkowski teaches:

The network system in accordance with claim 26, wherein the at least one of the products for sale is physically selected by the customer from the store display (see col 9, line 60 – col 10, line 25).

Claim 28, Witkowski teaches:

The network system in accordance with claim 26, wherein the processing resource provides to the store display information regarding one or more products for sale that are compatible with the in-vehicle data provided from the in- vehicle device (see col 9, line 60 – col 10, line 25).

Art Unit: 3622

Response to Arguments

4. Applicant's arguments with respect to claims 1-8, 10, 11, 13-16, 19, 22, 23 and 26-28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

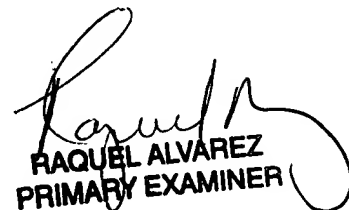
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Lastra
September 27, 2007

DL


RAQUEL ALVAREZ
PRIMARY EXAMINER